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LAND AND PEOPLE

A. General characteristics

1. The Republic of Paraguay is situated between meridians 54° 19' and 63° 38' west and between parallels 17° 18' and 27° 30' south. It borders Brazil to the north and east, Argentina to the south, and Bolivia to the north and west. It is 406,752 km² in area and has the following natural characteristics: a Mediterranean-type country, from which the sea can be reached via the River Paraguay, the River Parana and the River Plate (1,600 km) or overland via Puerto Paranagua in Brazil (1,200 km). It has no mountains, the highest elevations above sea level being no more than 800 metres.

2. There are two clearly differentiated natural environmental regions divided by the River Paraguay: the western and the eastern. The western region, with 246,925 km², also known as the Chaco, is semi-arid and constitutes an alluvial plain which is almost entirely flat. It is characterized by conditions of extreme humidity and dryness, and because of its impermeable subsoil the banks of long stretches of the River Paraguay and the River Pilcomayo are subject to flooding. The population of the Chaco represents 1.7 per cent of the country's total population, and population density is 0.2 inhabitants per km². Its principal economic activity is extensive livestock-farming, although mixed livestock and crop farms have developed in the Mennonite colonies in the central part of the region.

3. The eastern region, comprising part of the River Paraguay and River Parana basins, is 159,827 km² in area and represents 39 per cent of the country's total area. It is undulating and is inhabited by 98 per cent of the population, with a population density of 18.6 inhabitants per km². Most of the country's economic activities are located in this region, the most important being livestock-farming and forestry.

4. Paraguay's resources in terms of soil, vegetation, rivers and fauna are of good quality.

B. Ethnic characteristics

5. Paraguay is a multi-ethnic country, comprising the indigenous population and strongly influenced by Spanish culture; with the founding of Asunción in 1537, Paraguay's population nucleus was formed by Spaniards and Guaraní Indians. As a result of intensive miscegenation, the rudiments of a new nationality characterized by bilingualism and a blend of both cultures were formed.

C. Ethnic characteristics of the indigenous population

6. The Paraguayan Chaco is the region with the largest indigenous population.

7. The current indigenous population is estimated at between 70,000 and 100,000.

8. Seventeen ethnic groups live in Paraguay:

Western region: Nivaclé, Tobas Maskoy, Sanapaná, Angaité, Lengua, Ayoreos, Maká, Guaraní Ñandeva, Manjui, Chamacocos.

Eastern region: Paí Tavyterá, Mbyá Guaraní, Guayakí and Avá Guaraní, inter alios.

D. Demographic characteristics

9. In Paraguay, six censuses have been conducted and published: in 1886, 1899, 1950, 1972, 1982 and 1992. The first two were not completely reliable owing to the circumstances prevailing at the time. Nevertheless, there is sufficient historic evidence and reliable data about the drastic population loss in Paraguay caused by the Triple Alliance War (1864-1870), as a result of which the population of the country was reduced to less than a third of its size before the war.

10. Comparability of censuses began with the census carried out in 1950, which recorded a population of 1,328,452. The figures for 1962 and 1972 were 1,819,103 and 2,357,955 respectively. The annual rate of population increase was 2.7 per cent between 1970 and 1972. During the 1970s, the Paraguayan population grew at a faster rate. The 1982 census, after correction for omissions, which were relatively substantial, gave a figure of 3,357,717 inhabitants, indicating an annual growth rate of about 2.9 per cent over the period 1972-1982. Projections by the Technical Secretariat for Planning, within the Office of the President of the Republic, gave an estimated total population of 4,276,649 for 1990 and an annual growth rate of about 2.9 per cent for the period 1985-1990. If this growth rate is maintained, the population of Paraguay will double over the next 24 years. For 1991, the same Secretariat gave an estimated total population of 4,397,306.

11. This rapid growth rate is attributable to several factors. Firstly, the gross birth rate fell between 1950 and 1970 from approximately 47 per 1,000 to 37 per 1,000, but between 1970 and 1990 the rate of decline lessened. In addition, the crude death rate continued to decline significantly between 1950 and 1980, from 9.3 per 1,000 in 1950 to 6.9 per 1,000 in 1980. Secondly, between 1950 and 1975, the Paraguayan population fell significantly owing to emigration to neighbouring countries, especially Argentina. Extremely high emigration rates were recorded: for example, 10.20 per 1,000 during the period 1950-1955. During the period 1970-1975, the migration balance was still negative and stood at -3.18 per 1,000. In the late 1980s, the trend was reversed and Paraguay began to record positive balances. The heaviest immigration was from Brazil and was highest between 1955 and 1985.

12. Until 1982, there was no rapid urbanization in Paraguay. In analysing the census data on this question, it should be borne in mind that in Paraguayan censuses the urban population is defined as that of the departmental and district capitals; in many cases, however, these are settlements with a very small population which, strictly speaking, should be regarded as rural. In administrative terms, inhabitants of urban areas accounted for 35 per cent of the total population in 1950, 36 per cent

in 1962, 37 per cent in 1972 and 43 per cent in 1982. There are indications that since 1982 the urban population has grown more rapidly as a result of migration inflows from the countryside and return migration of Paraguayans who had been living abroad.

1. Population growth in Asunción

13. Since the only data at our disposal are provisional and relate to Asunción, we shall begin by presenting some provisional figures from the national population and housing census carried out on 26 August 1992 by the Directorate-General for Statistics, Surveys and Censuses.

14. The population of Asunción was 502,643, of whom 234,226 were males and 268,417 females. The population had thus increased substantially, from 455,517 in 1982 to 502,643 in 1992 (an increase of 9.3 per cent).

15. According to data provided by the above-mentioned Directorate-General, the number of males living in Asunción (masculinity proportion) has decreased in relation to the number of females; there are now 87 males resident in the capital for every 100 females.

16. The percentage of women has always been higher than the percentage of men for the country as a whole, but the figures produced by previous censuses remained almost identical until 1982, when the male population increased significantly. It has subsequently declined over the past few years.

17. According to differentiated data from 1962, the number of males for every 100 females was 88. The proportion was the same for 1972, and in 1982 the number of male inhabitants increased to 91 for every 100 females, a figure significantly different from that for 1992.

18. Nevertheless, in this year the female population grew while the male population gradually declined. This significant decrease in the male population of the capital may be due to the emigration of young people, most of whom are men seeking better living conditions abroad or, in many cases, studying or undertaking further training.

19. In the past 10 years there has been a decline in the rate of population growth in Asunción. If we compare the figures for 1950 and 1962, we see that there was an increase of 86,342, while in 1982 there were 66,559 more inhabitants than in 1972. Between 1982 and 1992, the population of Asunción grew by 74,126.

20. According to official projections, the annual rate of population increase is 3 per cent. Nevertheless, during the 10-year period from 1982 to 1992, the increase in the population of the capital was only 9.3 per cent, from 455,517 to 502,643.

21. This small increase is due to the fact that during the past 10 years most of the migrants from the provinces who moved nearer to the capital have settled in the "belt" around Greater Asunción, which is outside the metropolitan area.

2. Life expectancy at birth

22. Life expectancy at birth has shown a positive trend during the past 40 years, from an average lifespan of 62.6 to 66.0 years for both sexes between 1950 and 1980, breaking down into 60.6 and 64.1 for men and 64.7 and 68.1 for women. These changes are basically due to the observed decline in the infant mortality rate (73 per 1,000 in 1950 and 53 per 1,000 in the early 1980s).

23. For the period 1985-1990, the Technical Secretariat for Planning estimated life expectancy at birth for both sexes at 66.9 years (64.8 for men and 69.1 for women); the infant mortality rate was estimated at 48.9 per 1,000 live births.

24. For the period 1990-1995, life expectancy at birth for both sexes was estimated at 67.3 years (65.2 for men and 69.5 for women).

25. It is thus apparent that the most favourable trend relates to women, who in all periods have had a greater life expectancy than men.

3. Infant and maternal mortality

26. The data from the 1982 census indicate that overall mortality rates were 10.3 per 1,000 live births in 1980, 9.0 for males and 7.5 for females. Within age groups, the highest mortality rates are for infants under the age of 1 year and persons over the age of 60 years; this is the case for both males and females.

27. According to the UNICEF classification, Paraguay is among the countries with medium-level infant mortality. For 1989, a UNICEF report showed an infant (0-1 year) mortality rate of 41 for every 1,000 live births. Estimates by the Technical Secretariat for Planning give an infant mortality rate of 48.91 per 1,000 live births for the period 1985-1990 and show fluctuation of up to 61.9 deaths in certain regions of the country. The estimated infant mortality rate for the period 1990-1995 is 47.04 per 1,000 live births.

28. The national population and health survey gave the infant mortality rate for the period 1985-1990 as 34 per 1,000. In other words, on average for every 1,000 live births, 34 infants died before attaining the age of one year. About 60 per cent of this figure is accounted for by infants who died during the first month of life (neo-natal rate = 19.4 per 1,000 live births).

29. The infant mortality rate varies according to area of residence, from 32 per 1,000 in urban areas to 38 per 1,000 in rural areas.

30. As regards the mortality rate according to biological characteristics, the highest infant mortality rates are for males, while the highest mortality rates for females occur during childhood.

31. Nevertheless, the official statistics of the Ministry of Public Health and Social Welfare showed an infant mortality rate of 31.6 per 1,000 live births for 1989. The latest available information indicates a rate of 31.4 per 1,000 live births for 1991.

32. The commonest causes of infant mortality include diarrhoea, pneumonia, birth-related injuries, and infectious and parasitic diseases in general. Since 1987, diarrhoea has no longer been the prime cause of infant deaths, this position having been taken over by birth-related injuries (asphyxia, hypoxia, traumatism).

33. The maternal mortality rate in Paraguay is one of the highest in Latin America. UNICEF recorded an average of 3.8 deaths per 1,000 live births over the period 1980-1988, while the official Ministry of Health figure for 1989 was 1.6 deaths per 1,000 live births.

34. A possible factor in the high maternal mortality rate is the age of the mother. In fact, 31.5 per cent of births recorded during the period 1970-1975 and 27 per cent in 1980-1985 were to mothers whose age placed them in the high-risk category - under 20 or over 35. Most infant deaths were among new-born babies of mothers aged under 18 or over 35, or mothers who had had more than four children.

4. Fertility rate

35. Analysis of the trend in fertility by means of the birth rate over a 30-year period (1960-1990) shows a very clear downward trend in the number of births. The crude birth rate in 1960 was 42 per 1,000 inhabitants; this fell to 33 births per 1,000 in 1990.

36. Up to the mid-1960s the general fertility rate was estimated to have remained fairly high at 6.8 children per woman. Since then it has begun a slow decline, reaching 4.7 children per woman in 1990, which is the year of the most recent report on fertility carried out by the Paraguayan Centre for Population Studies as part of the national population and health survey.

37. This means that there has been an absolute decrease of over two children per woman. In other words, Paraguayan women are, on average, having two children fewer than they did 30 years ago in 1960. The total relative decrease for this period was 30 per cent. According to estimates by the Technical Secretariat for Planning for the period 1990-1995, the general fertility rate will be 4.34 children per woman.

5. Percentage of the population under the age of 15

38. According to projections for 1991, by the Technical Secretariat for Planning, the population (both sexes) under the age of 15 would represent approximately 40.25 per cent of the total population.

39. Taking separately the male and female population under the age of 15, 40.49 per cent would be males and 40.02 per cent females.

YEAR 1991			
Distribution by sex	Total population	Population under the age of 15	%
Both sexes	4 397 306	1 770 123	40.25
Males	2 226 676	901 529	40.49
Females	2 170 630	868 594	40.02

6. Percentage of the population aged 65 or over

40. According to projections for 1991, the population (both sexes) aged 65 or over was estimated at approximately 3.58 per cent of the total population, men accounting for 3.16 per cent and women 4.00 per cent.

YEAR 1991			
Distribution by sex	Total population	Population aged 65 or over	%
Both sexes	4 397 306	157 365	3.58
Men	2 226 676	70 425	3.16
Women	2 170 630	86 940	4.00

7. Percentage of the population resident in urban and rural areas

41. Historically, the rural population has been in a majority, invariably accounting for more than 50 per cent of the total population.

42. Nevertheless, estimates based on the most recent migration trends indicate that the urban population has now risen to approximately 48 per cent of the total population.

43. According to projections by the Technical Secretariat for Planning based on information derived from the censuses of 1962, 1972 and 1982, the Paraguayan national population survey (EDENPAR/1977), the national fertility survey (ENF/1979), and registered births and deaths as published by the

National Directorate for Statistics, Surveys and Censuses, in 1991 the urban population was 2,116,303 and the rural population 2,281,003. This gives percentages of 48.13 for the urban population and 51.87 for the rural population.

YEAR 1991		
Area	Population	%
Total	4 397 306	100.00
Urban	2 116 303	48.13
Rural	2 281 003	51.87

8. Percentage of heads of family who are women

44. In 81.9 per cent of families, the head of the household is a man. Women are thus the head of the household in 18.1 per cent of cases. The proportion of men who are heads of household is higher in rural areas. Women only assume the role of head of household in the absence of a male companion or spouse.

45. According to a study by Olga Zarza on rural women and development (1991), of the 253,711 individual farmers operating farms, 27,308 (11.4 per cent) were women. The highest percentage of women among farmers operating their own farm (19.95 per cent) was in the Central Department, while the lowest percentages were in the Departments of Alto Paraná (4.72 per cent) and Canindeyú (4.61 per cent), both of which have been settled recently and are characterized mainly by agribusiness crop farming.

46. These data were obtained from the farming census carried out in 1981. The latest farming census was carried out in 1991, but disaggregated data have not so far been published and so it has not been possible to update the information.

47. According to studies on households headed by women, these households are the poorest. In the most dynamic areas where capitalist development is greatest, women head fewer households and play a smaller part in the control and management of resources for both productive and reproductive purposes.

48. Women heads of households engaged in farming are at a great disadvantage as compared with men, as they are also responsible for the work entailed by reproduction, which means that their days are long and arduous. Given the greater effort this requires, their children are more vulnerable and the mothers' health suffers from physical and mental exhaustion.

E. Socio-economic indicators

49. In this section we shall give the information available on the following headings:

1. National income per capita

50. According to data provided by the Central Bank of Paraguay, national income per capita has been as follows:

National income per capita in dollars		
Year	Current US$	1982 US$
1977/1978	636	1 111
1978	742	1 174
1979	952	1 252
1980	1 192	1 360
1981	1 460	1 406
1982	1 364	1 364
1983	1 394	1 314
1984	1 041	1 282
1985	718	1 282
1986	782	1 245
1987	765	1 204
1988	805	1 247
1989	820	1 259
1990	1 017	1 301
1991	1 212	1 301

* The exchange rate in 1991 was 1,324 guaraníes to the dollar.

2. Gross National Product

51. The Gross National Product at market prices in 1991 showed a variation of 2.5 per cent as compared with 1990, in which there was a variation of 3.1 per cent.

52. In 1990, domestic economic activity was affected by, inter alia, natural climatological factors (heavy rainfall) which reduced the size of the harvest of most crops, the decline in the international prices of export products and the high inflation rate in neighbouring countries.

3. Rate of inflation

53. According to calculations by the Central Bank of Paraguay, inflation rates have been as follows:

Years	Inflation in %
1990	44.1
1991	11.8
August	1.18
So far this year (Dec. 91-Aug. 92)	13.6
During the past 12 months (Aug. 91-Aug. 92)	16.7

4. Economically active population by economic sectors - unemployment rate

54. The Central Bank of Paraguay has given the following estimates for the economically active population in the various economic sectors:

Economic sectors	1990	1991
Farming	609 481	593 294
Mines and quarries	3 124	3 290
Industries	164 487	165 540
Electricity and miscellaneous services	4 747	4 900
Construction	138 260	132 467
Commerce and finance	192 103	198 599
Transport and communications	48 084	51 671
Services	205 155	206 620
Unspecified	59 726	62 876
ECONOMICALLY ACTIVE POPULATION EMPLOYED:	1 425 167	1 419 257
UNEMPLOYED PERSONS	114 858	164 217
TOTAL ECONOMICALLY ACTIVE POPULATION	1 540 025	1 583 474
UNEMPLOYMENT RATE	7.5%	10.4%

5. External public debt

55. With regard to the external public debt, the Central Bank of Paraguay has provided the following information:

Net balances plus interest due and not yet paid, by debtor institution (in millions of dollars)

Debtor institution	As at 31/12 1989	1990	As at 31/07 1991
Central Government	708.8	682.7	736.6
Financial institutions	211.4	217.2	212.2
Public companies	1 155.9	799.8	727.9
	2 076.1	1 699.7	1 676.7

Net balances plus interest due and not yet paid, by creditor institution (in millions of dollars)

Creditor institution	As at 31/12 1989	1990	As at 31/07 1991
Multilateral organizations	661.0	651.1	645.9
Foreign Governments and financial institutions of foreign Governments (Paris Club)	728.4	819.9	814.9
Commercial banks and private sources abroad (other than Paris Club)	686.8	228.7	215.9
	2 076.2	1 699.7	1 676.7

56. More recent figures made available by the Central Bank concerning the external public debt are given below: (in millions of dollars)

External public debt (State-guaranteed, including arrears)	Balance at 31/12 1990	1991	Balance at 31/07 1992
With Governments (Paris Club)	820	903	884
With multilateral institutions (IDB, WB)	651	637	625
With commercial banks	229	218	218
	1 700	1 758	1 722

F. Cultural indicators

1. Literacy rate

57. The illiteracy rate declined from 34 per cent in 1950 to 23 per cent in 1982. As will be seen below, the biggest changes have been observed in levels of illiteracy among females, although these are still higher than the rates for males. Thus, the illiteracy rate was 25 per cent for males and 43 per cent for females in 1950, but dropped to 20 per cent and 26 per cent respectively in 1982.

58. By age group, 15.2 per cent of the illiterate female population in 1982 were aged 15 to 24 years, 32 per cent were aged 25 to 44 years and 39 per cent were aged 45 or over, indicating that illiteracy levels are higher with age. The decline in the percentage of illiterate females is due principally to the great expansion of educational opportunities in the rural sector, the development of channels of communication (roads, mass media, etc.) with urban centres and possibilities of migration. This has narrowed the gap between demand and supply in education for women generally.

59. According to the 1982 census, 21.0 per cent of the country's population is illiterate. Illiteracy is highest in rural areas, reaching 28.9 per cent, whereas in urban areas it is 13.3 per cent. The rate of illiteracy among children aged 10 to 14 is 12.5 per cent in urban areas and 24.6 per cent in rural areas.

60. However, these statistics fail to show the real extent of illiteracy in Paraguay, since they do not include so-called functional illiterates, i.e. early school-leavers who have forgotten or make no use of what knowledge they acquired.

61. If adults not completing primary education were to be included as functional illiterates, the index would rise to 56.9 per cent, representing more than 1 million persons. The 1992 census will provide us with up-to-date information on this question.

2. Religion

62. The predominant religion in Paraguay is Apostolic and Roman Catholicism.

63. In the national population and health survey carried out in 1990, 95 per cent of female respondents stated that they were Catholics and 3 per cent said that they belonged to various evangelical churches or denominations. A further 1 per cent were registered under "Other religions" and only 1 per cent declared themselves to be non-believers.

64. Article 23 of the Constitution in force since 20 June 1992 recognizes freedom of religion, worship and ideology with no limitations other than those established in the Constitution itself and by law. Article 62 of the Constitution guarantees special protection for indigenous religions. Catholicism is in fact no longer the official religion of the Republic.

3. Mother tongue

65. Paraguay has two official languages - Spanish and Guaraní. The latter is the mother tongue of most of the rural population and of the least well-off social classes in urban areas. These people learn Spanish later at school, since the education system is based predominantly on that language. However, depending on the level of education attained and on whether or not they live in a rural area, they may continue to speak only one language, preferring to use Guaraní in both formal and informal situations.

66. In the upper and middle strata of the urban population, both in the capital and in major provincial cities, the language learnt and used in the home is Spanish, just as in rural areas Guaraní is the mother tongue generally used.

67. Article 76 of the new Constitution guarantees tuition in the mother tongue and stipulates: "Teaching in the early stages of schooling shall be provided in the official language constituting the mother tongue of the pupil. Instruction shall likewise be provided to enable the pupil to learn and use both official languages of the Republic.

In the case of ethnic minorities whose mother tongue is not Guaraní, one of the two official languages may be chosen".

II. GENERAL POLITICAL STRUCTURE

A. History and political background

68. From the early days of the conquest in Latin America, the Spaniards were harassed by large numbers of savage and mostly warlike Indians, including cannibals, and this hampered them in their endeavours.

69. Later, when they reached the heart of Latin America, the Spaniards discovered another kind of Indian, who was more friendly and cooperative - the Guaranís. They thus found the appropriate site to build a fort, named Nuestra Señora de la Asunción, that would become the mainstay and lifeline for further settlement in the River Plate region. It was the starting-point for virtually

all the expeditions that went out to found what are now major cities in South America, and this explains why Asunción is considered the "Mother of Cities".

70. One of the aims of the Spanish endeavour, apart from founding cities and spreading Christianity and Spanish culture, was to establish certain forms of limited "representative" government. These were the cabildos or municipal governments that were of great importance in the colony's political and social life.

71. Members of the cabildos - in the strict sense - were appointed by the governors from among the most respected people in the community, such as notaries, merchants, ranchers and landowners.

72. However, "open cabildos" - true popular assemblies - were formed on more than one occasion to deal with matters of particular significance, one example being the Open Cabildo of Asunción, which supported the Revolution of the Comuneros led by the tribunes Antequero and Mómpox.

73. It was not the viceroys, governors, judges, aldermen or high courts that prepared the colonies for self-government and still less for a political life with "popular representation". That contribution was made by the cabildos, the communal or municipal governments.

74. The aspirations of Buenos Aires after 25 May 1810 to annex Paraguay as a province under the authority of its governing junta, the ineffectiveness of the Spanish Governor, Bernardo de Velasco, who had links with the Portuguese forces, and the courage displayed by Paraguayan troops in their victory over Argentine forces seeking to annex Paraguay led to the historic act of liberation on 14 and 15 May 1811 which gave birth to Paraguay as an independent State.

75. From these events there emerged the figure of José Gaspar Rodriguez de Francia, a man of learning and leader of the independence movement, who with consummate skill took power, first as provisional dictator and then as dictator for life, between 1814 and 1840, during which period Paraguay closed its borders to contacts and influence from the outside. The country and its inhabitants necessarily became self-reliant, reverting to what was essentially a barter system of trade subject to many limitations and strictly controlled by the dictator. Culture and education in that period made little or no progress, since Francia closed the schools and prevented the introduction of reading matter of any kind. However, he kept the territory inherited from the colony intact through rigorous military control of its borders, preventing any external influence on Paraguay from destabilizing his regime, at a time of great political upheaval in neighbouring countries.

76. Thereafter, various Governments succeeded one another until Carlos Antonio López, Paraguay's first constitutional President, took office in 1844. He opened up the country to trade, promoted literature and the arts, and sent students abroad on scholarships, but left boundary disputes with Brazil and Argentina unresolved on his death in 1862.

77. Carlos Antonio López was succeeded by his son, Brigadier-General Francisco Solano López, who had acted earlier as a mediator in the Argentine civil war, preventing a blood bath with the Pact of San José de Flores in 1859. However, efforts to settle the boundary issues produced no agreement satisfactory to Paraguay, despite the legitimate arguments it put forward. The country lost favour and a Triple Alliance, initially kept secret, was formed between the armies of Argentina, Brazil and Uruguay with the object of dispossessing Paraguay of extensive tracts of land.

78. As a result, Paraguay was invaded, sacked and pillaged, and thrown into extreme poverty; but under a provisional Government appointed by the occupation forces it was still able, through an arbitral award by United States President Rutherford B. Hayes, to retain the part of the Chaco (Western Region) claimed by Argentina - which, like Brazil, annexed large and rich territories.

79. A series of Governments, most of them unstable, followed in Paraguay. In 1932 the Chaco War broke out with Bolivia, which had designs on that particular part of the Western Region; there, in heroic fashion and almost without military supplies, the country rallied in the midst of war from a very unstable political situation to win a resounding victory.

80. The political situation then produced a further succession of Governments which, in terms of their duration, can only be described as unstable until General Alfredo Stroessner came to power in 1954. General Stroessner installed a dictatorial regime characterized by lack of freedom in a variety of respects - including freedom of the press, freedom of expression and freedom of the individual - and centralized power solely in the Executive branch, which he himself directed. Institutions were corrupted and the machinery of State became yet another tool in the hands of the dictator, who used it essentially to manipulate the electorate and bring in an ostensibly democratic Government, while manipulating the opposition and using its members as well as the governing party for his own ends. Anyone daring to oppose him on matters of principle or ideals was persecuted, arrested, tortured and even banished or exiled.

81. Personal rights and the most fundamental human rights were flouted by General Stroessner and his entire cabinet, on such a scale that even lower-level officials amassed fortunes and violated rights with complete impunity.

82. It was against this background that a coup d'état took place during the night of 2 to 3 February 1989, toppling the Stroessner regime and proclaiming the rule of law, respect for human rights, and freedom of thought and expression, which are now becoming an internationally acknowledged reality.

83. Since the coup d'état, Paraguay has ratified a series of conventions, protocols, agreements and covenants and provided a suitable legal framework by passing laws for their effective implementation. Human rights offenders are brought to justice and for the most part sentenced to terms of imprisonment, as freely decided by the courts hearing their cases.

84. Countless exiled or expelled Paraguayans have returned from abroad. The political prisoners have all been released and no one is currently imprisoned on political grounds.

85. The international instruments ratified by Paraguay are promoted and disseminated by the Directorate-General for Human Rights, an official body which receives complaints, answers inquiries, prepares reports and organizes seminars, symposiums and meetings, as well as publicizing activities in the field of human rights through the various news media.

86. Freedom of the press and freedom of thought and expression have been effectively established and the media closed down during the dictatorship have been reopened.

87. The present Government is constituted on the basis of a democratic and representative system consonant with the modern doctrines of a social democratic State which combines political democracy with elements of economic and social democracy. The State today is therefore moving towards freedom and justice, in both the formal and the material sense, together with respect for, and full development of, the human person, political self-determination and observance of the full range of human rights.

88. Progress is gradually being made in all these areas as the country goes ahead with a "process of transition to democracy", seeking to affirm and realize the above objectives. It has now replaced the 1967 Constitution in force during the dictatorship, whose precepts and ideas were not applied.

89. As stated in its preamble, the new National Constitution adopted and promulgated on 20 June 1992 was drawn up "By the Paraguayan people, through their lawful representatives meeting in a National Constituent Assembly, recognizing human dignity with the aim of ensuring freedom, equality and justice, reaffirming the principles of representative, participatory and pluralistic republican democracy, confirming national sovereignty and independence, and forming an integral part of the international community".

B. System of government

90. In its fundamental provisions, the Constitution establishes, in article 1, that: "The Republic of Paraguay shall always be free and independent. It constitutes a social State subject to the rule of law, which shall be unitary, indivisible and decentralized in the form established by this Constitution and by law.

"The Republic of Paraguay shall be governed as a representative, participatory and pluralistic democracy, founded on the recognition of human dignity."

91. Article 2 of the Constitution stipulates: "In the Republic of Paraguay sovereignty resides with the people, who shall exercise it in accordance with this Constitution".

92. Similarly, article 3 states: "The people shall exercise public authority by suffrage".

"Government shall be exercised by the Legislative, Executive and Judicial branches in a system of separation, balance, coordination and mutual supervision. None of these branches may assume special powers or accumulate all public powers, or confer such powers upon another branch or upon any individual or collective body. Dictatorship is prohibited by law."

93. These are the fundamental provisions of the new Constitution of Paraguay, which it will undoubtedly be possible to apply with greater ease and clarity than the previous Constitution (1967), since the current political situation provides a framework conducive to its proper implementation.

C. Executive branch

1. President and Vice-President of the Republic

94. Executive power is exercised by the President of the Republic. There is also a Vice-President of the Republic, who can immediately take over from, and exercise all the functions of, the President if the latter is unable to perform those functions or is temporarily absent or if the office of President falls vacant. To serve as President or Vice-President it is necessary:

(a) To be of Paraguayan nationality by birth;

(b) To have reached 35 years of age; and

(c) To enjoy full exercise of one's civil and political rights.

95. The President and Vice-President of the Republic each serve a five-year fixed term of office, beginning on 15 August following the elections. They may in no circumstances be re-elected. The Vice-President may, however, be elected President for the subsequent term, provided that he has ceased to serve in his post six months before the general election. No one having served as President for more than 12 months may be elected Vice-President.

96. The President and Vice-President of the Republic are to be elected together and directly by the people, by a simple majority of votes cast in a general election which must be held between 90 and 120 days before the end of the current constitutional term.

97. In the event of incapacity or absence of the President of the Republic, the latter is to be replaced by the Vice-President or, if that is not possible, by the President of the Senate, the President of the Chamber of Deputies or the President of the Supreme Court of Justice, in that order of precedence. The Vice-President-elect will serve as President of the Republic if that office falls vacant either before or after the inauguration of the President, and will continue to act in that capacity until the end of the constitutional term. If the office of Vice-President falls vacant within the first three years of the constitutional term, an election must be called to fill the vacancy. Should the same occur during the last two years, the Congress, by an absolute majority of its members, must appoint a person to serve as Vice-President for the remainder of the term.

98. The following are not eligible to stand as candidates for President or Vice-President of the Republic:

(a) Ministers of the Executive branch, deputy ministers or under-secretaries and officials of equivalent rank, directors-general of government departments and council chairmen, directors, managers or general administrators of decentralized, self-governing, autonomous, binational or multinational entities or companies with majority State shareholding;

(b) Members of the judiciary and of the Department of Public Prosecutions;

(c) The Ombudsman, the Comptroller-General, Deputy Comptroller and Attorney-General of the Republic, the members of the Council of the Magistrature and the members of the Higher Electoral Tribunal;

(d) Representatives or agents of national or foreign companies, corporations or bodies holding concessions to operate State services, to carry out public works or to supply goods to the State;

(e) Ministers of any religion or denomination;

(f) Mayors and governors;

(g) Serving members of the national armed forces and members of the national police, unless they retire at least one year before the date of the general election;

(h) Owners or joint owners of mass media; and

(i) The spouse or relatives to the fourth degree of consanguinity or second degree of relationship by marriage of a person holding the office of President following the election or having served in that office for any time in the year preceding the election.

In the cases referred to in subparagraphs (a), (b), (c) and (f), the persons concerned must have left office at least six months before the date of the election, save when the office of Vice-President falls vacant.

99. The duties and powers of the President of the Republic are to:

(a) Represent the State and direct the general administration of the country;

(b) Implement and enforce the Constitution and the laws;

(c) Participate in the drafting of legislation, in accordance with the Constitution, and promulgate, have published, regulate and oversee the implementation of such legislation;

(d) Veto wholly or in part laws passed by Congress, making what comments or objections he deems appropriate;

(e) Issue decrees, which require the endorsement of the minister of the department concerned in order to become effective;

(f) Appoint or remove ministers of the Executive branch or the Attorney-General of the Republic, at his own discretion where their designation to, and tenure in, such posts are not otherwise regulated by the Constitution or the law;

(g) Direct the conduct of the Republic's external relations; in the event of external aggression, and subject to Congressional authorization, declare a national state of defence or conclude peace; negotiate and sign international treaties; receive the heads of diplomatic missions and consuls of foreign countries; appoint ambassadors, with the approval of the Senate;

(h) Give an account to Congress, at the beginning of each annual session, of the activities of the Executive, and also report on the state of the nation and plans for the future;

(i) Act as Commander of the National Armed Forces, a function which may not be delegated; in accordance with the law, issue military regulations and direct, organize and station the armed forces; appoint or remove the commanders of the forces of law and order at his own discretion; take the necessary measures for the defence of the nation; assign ranks in all the services up to that of Lieutenant-Colonel or its equivalent at his own discretion, and assign higher ranks with the approval of the Senate;

(j) Grant pardons or commute sentences imposed by the judges and courts of the Republic, in accordance with the law and with the advice of the Supreme Court of Justice;

(k) Convene Congress in special sessions of either or both Chambers to deal solely with those matters put before them for their respective consideration;

(l) Place before Congress draft legislation, which may be accompanied by a request for urgent consideration, within the terms laid down by the Constitution;

(m) Direct the collection and investment of the revenues of the Republic, in accordance with the national budget and the law, and report annually to Congress on the execution of the budget;

(n) Prepare the draft annual budget of the nation and present it for consideration by the Chambers;

(o) Ensure the implementation of decisions of the authorities created by the Constitution; and

(p) Exercise such other duties or powers as are specified by the Constitution.

100. The duties and powers of the Vice-President of the Republic are to:

(a) Take over immediately from the President of the Republic in the cases provided for by the Constitution;

(b) Represent the President of the Republic, nationally or internationally, when so designated by the President and with all the latter's prerogatives; and

(c) Participate in the deliberations of the Council of Ministers and coordinate relations between the Executive and the Legislature.

2. Ministers and the Council of Ministers

101. The management and conduct of public affairs are entrusted to the ministers of the Executive, whose number and functions shall be determined by law. Any minister temporarily absent must be replaced by a deputy minister of the department concerned.

102. In order to be a minister the same requirements must be fulfilled as to serve as a deputy. Furthermore, ministers are subject to the same disqualifications from holding other offices as the President of the Republic, save in respect of academic appointments. They may not be deprived of their liberty, except in the cases prescribed for members of Congress.

103. Ministers are the administrative heads of their respective government departments, where under the direction of the President of the Republic they promote and execute policy relating to matters within their fields of competence. They bear joint and several responsibility for the acts of State they endorse. Each year they must submit to the President of the Republic a written report on their activities, which has to be brought to the attention of Congress.

104. When convened by the President of the Republic, the ministers meet in a Council of Ministers to coordinate executive tasks, advance government policy and adopt collective decisions. It is the responsibility of the Council of Ministers to:

(a) Deliberate on all matters of public interest raised by the President of the Republic for consideration by the Council, acting as an advisory body, and also discuss initiatives in the legislative field; and

(b) Ensure the periodic publication of its decisions.

105. The Office of the Attorney-General of the Republic is headed by an Attorney-General and staffed by such other officials as may be determined by the law.

106. The Attorney-General of the Republic must meet the same requirements as are set to become Government Attorney. He is appointed and may be removed by the President of the Republic. Disqualifications from holding other posts must be established by the law.

107. The duties and powers of the Attorney-General of the Republic are to:

(a) Represent and defend the patrimonial interests of the Republic in judicial or extrajudicial proceedings;

(b) Issue rulings in such cases and for such purposes as may be specified by the law;

(c) Give legal advice to the public administration in the form laid down by law; and

(d) Exercise such other duties and powers as may be defined by the law.

D. Legislature

1. General

108. The Legislature consists of Congress, which is made up of the Chamber of Senators and the Chamber of Deputies. Members and alternates in both Chambers are elected directly by the people, in accordance with the law. Members are replaced by alternates in the event of death, resignation or disqualification, for the remainder of the term of office or the duration of period of disqualification. In other cases, the rules of procedure of each Chamber apply.

109. Senators and deputies and their alternates are elected at elections held at the same time as the presidential elections. Their term of office is five years as from 1 July and they may be re-elected. Vacancies, whether or not temporary, in the Chamber of Deputies are filled by alternates elected in the same Department, and vacancies in the Chamber of Senators by alternates from the list drawn up by the Electoral Tribunal.

110. Former democratically-elected Presidents of the Republic are senators for life, unless they have been impeached and found guilty. They do not form part of a quorum. They are entitled to speak, but not to vote.

111. The following may be elected, but may not perform legislative duties: advisers to government departments, public officials and other government or municipal employees, regardless of how they are classified and of their salary, as long as they occupy such posts. Part-time teaching and scientific research are exceptions to these incompatibilities. No deputy or senator may form part of companies operating public services or holding State concessions or act as legal adviser or representative for such companies, either personally or through third parties.

112. The following may not stand as candidates for senator or deputy:

(a) Persons serving a custodial sentence, for the duration of the sentence;

(b) Persons sentenced to disqualification from public office, for the duration of the disqualification;

(c) Persons sentenced for electoral offences, for the duration of the sentence;

(d) Judges, representatives of the Department of Public Prosecutions, the Attorney-General, the Ombudsman, the Comptroller-General, the Deputy Comptroller and members of the Higher Electoral Tribunal;

(e) Ministers or members of any religious order;

(f) Representatives or agents of national or foreign companies, corporations or bodies holding concessions to operate State services, to carry out public works or to supply goods to the State;

(g) Serving members of the military or the police;

(h) Candidates for President or Vice-President of the Republic; and

(j) Owners or joint owners of the media.

Persons affected by any of the disqualifications set out in subparagraphs (d), (e), (f) and (g) may be candidates provided the disqualification has ended at least 90 days before the date of registration on the rolls of the Higher Electoral Tribunal.

113. The following may not be elected as senator or deputy: Ministers of the Executive, Under-Secretaries of State, the chairmen of the boards or general administrators of decentralized, autonomous, binational or multinational bodies, those of companies with a majority State holding, and governors and mayors, unless they relinquish their posts and are accepted at least 90 days before the date of the elections.

114. The duties and powers of Congress are to:

(a) Ensure observance of the Constitution and the law;

(b) Enact codes and laws, amend or waive them, in interpretation of the Constitution;

(c) Determine the political division of the territory of the Republic, and the organization of the regions, departments and municipalities;

(d) Legislate on taxation;

(e) Approve the National Budget each year;

(f) Enact the Electoral Law;

(g) Determine the legal system for the transfer of property and the system for government, department and municipal property;

(h) Issue decisions and authorizations, and formulate declarations, in accordance with its powers;

(i) Approve or reject treaties and other international agreements signed by the Executive;

(j) Approve or reject arrangements for loans;

(k) Authorize, for specified periods, concessions to operate national or multinational public services or manage State property, and to extract and process minerals, liquids and gases;

(l) Enact laws on the organization of the administration of the Republic, for the purpose of establishing decentralized bodies and administering public credit;

(m) Issue emergency laws in the event of a disaster;

(n) Receive the constitutional oath or promise of the President of the Republic, the Vice-President and other officials, in accordance with the provisions of the Constitution;

(o) Receive from the President of the Republic, at the beginning of each regular session, a report on the overall situation and administration of the country and on government plans;

(p) Accept or reject the resignation of the President of the Republic or the Vice-President;

(q) Issue the authorizations and make the appointments prescribed in the Constitution, and designate representatives of Congress in other organs of the administration of the State;

(r) Issue amnesties;

(s) Decide on any transfer of the capital of the Republic to another part of Paraguay, by a two-thirds majority of the members of each Chamber;

(t) Approve or reject, wholly or in part, and further to a report by the Comptroller-General, the particulars and evidence of public income and expenditure under the budget;

(u) Issue regulations on river, maritime, air and space traffic; and

(v) Any other powers established in the Constitution.

2. Standing Commission of Congress

115. Two weeks before it goes into recess, each Chamber, by an absolute majority, appoints 6 senators and 12 deputies, with 3 and 6 alternates respectively, to form the Standing Commission of Congress, which performs its duties from the commencement of the recess until Congress resumes its regular sessions. The members of the Standing Commission meet to appoint the Chairman and other officers and inform the other State authorities in writing.

116. The duties of the Standing Commission of Congress are to:

(a) Ensure observance of the Constitution and the law;

(b) Issue its own rules of procedure;

(c) Convene preparatory meetings of the Chambers so that, each year, Congress opens at the appropriate time;

(d) Convene and organize special meetings of both Chambers, in keeping with the provisions of the Constitution;

(e) Authorize the President of the Republic, during the Congressional recess, to leave Paraguay temporarily in the cases provided for in the Constitution; and

(f) Any other powers established in the Constitution.

117. When it completes its work, the Standing Commission of Congress submits a final report to each Chamber and is responsible to the Chambers for the measures it has adopted or authorized.

3. Chamber of Deputies

118. The Chamber of Deputies is composed of members for the various departments. It consists of at least 80 members and an equal number of alternates, directly elected by the people in departmental electoral colleges. The city of Asunción forms one electoral college and is represented in the Chamber. The departments are represented by at least one deputy and one alternate. The Higher Electoral Tribunal, before each election and in accordance with the number of electors in each department, establishes the number of seats for the department. The number of deputies may be increased by law, in accordance with the increase in the number of voters. For election purposes, a deputy or alternate must be a Paraguayan-born national and at least 25 years of age.

119. The exclusive powers of the Chamber of Deputies are to:

(a) Initiate the consideration of bills pertaining to department and municipal legislation;

(b) Appointment or promote judges and public officials, in accordance with the provisions of the Constitution and the law;

(c) Issue authorization for action by department and municipal government authorities; and,

(d) Any other exclusive powers established in the Constitution.

4. Chamber of Senators

120. The Chamber of Senators consists of a minimum of 45 members, with 30 alternates, directly elected by the people as one single national

constituency. The number of senators may be increased by law, in accordance with the increase in the number of voters. For election purposes a senator or alternate must be a Paraguayan-born national and at least 35 years of age.

121. The exclusive powers of the Chamber of Senators are to:

(a) Initiate the consideration of bills concerning the approval of international treaties and agreements;

(b) Approve military and police promotions, as from the rank of Colonel in the army or the equivalent in the other branches and services, and as from the rank of Chief Commissioner in the police;

(c) Authorize the appointment of ambassadors and ministers plenipotentiary;

(d) Appoint or nominate judges and public officials, in accordance with the provisions of the Constitution;

(e) Authorize the dispatch of Paraguayan military forces abroad, and the admission of foreign troops into Paraguay;

(f) Approve the appointment of the Chairman and directors of the Central Bank of Paraguay;

(g) Approve the appointment of Paraguayan directors on binational bodies; and

(h) Any other exclusive powers established in the Constitution.

E. Judiciary

1. General

122. The Judiciary is the custodian of the Constitution, and interprets and enforces it. Justice is administered by the Judiciary, through the Supreme Court of Justice and the other courts, as established by the Constitution and by law.

123. The independence of the Judiciary is guaranteed. The Judiciary alone may take cognizance and adjudicate in connection with acts subject to litigation, without prejudice to arbitration awards under private law, in accordance with the terms and conditions that are specified by law in order to ensure the right to a defence and to equitable decisions. In no circumstances may members of the other branches of government or other public officials assume judicial powers not expressly established in the Constitution or revive completed proceedings or bring existing proceedings to a halt or intervene in any way in verdicts. Acts of this kind are null and void. Anyone who prejudices the independence of the Judiciary is disqualified from holding public office for five consecutive years, apart from any other penalties established by law.

124. Members of the courts throughout the Republic are designated by the Supreme Court of Justice from a list of three candidates proposed by the Council of the Magistrature.

125. Judges may not, in their capacity as such, hold a public or private post, whether or not remunerated, except in the case of part-time teaching or scientific research. Similarly, they may not engage in commerce, industry or any professional activity, or occupy posts in official or private bodies or in political parties, associations or movements.

2. Supreme Court of Justice

126. The Supreme Court of Justice consists of nine members and is organized in chambers, one being the Constitutional Chamber. Each year it elects its President and members hold the title of Minister. The conditions for membership of the Supreme Court of Justice are: Paraguayan nationality from birth, a minimum age of 35, a doctorate in law, proven good character, in addition to at least 10 years' experience as a lawyer, judge or university professor of law, jointly, separately or successively.

127. The duties and powers of the Supreme Court of Justice are to:

(a) Oversee all bodies of the Judiciary and decide on final instance on conflicts of jurisdiction, in accordance with the law;

(b) Issue its own rules of procedures, and submit an annual report to the Executive and the Legislature on its activity and on the state and needs of national justice;

(c) Hear and rule on general appeals specified by law;

(d) Hear and rule, on first instance, on habeas corpus, without prejudice to the jurisdiction of other courts;

(e) Hear and rule on unconstitutionality;

(f) To hear and rule on applications for judicial review, in the manner and to the extent established by law;

(g) Preventively suspend, on its own initiative or on a request made by the Judicial Indictment Board by an absolute majority of the members, any judge who has been indicted, until final adjudication of the case;

(h) Supervise custodial establishments; and

(i) Any other powers established in the Constitution and the law.

3. Council of the Magistrature

128. The Council of the Magistrature consists of:

(a) A member of the Supreme Court of Justice, appointed by the Court itself;

(b) A representative of the Executive;

(c) A senator and a deputy, each appointed by the respective Chamber;

(d) Two practising lawyers, directly elected by their peers;

(e) A professor from the Faculty of Law of the National University, elected by his peers; and

(f) A professor, with not less than 20 years' experience, from the faculties of law of the private universities, elected by his peers. The law shall regulate the relevant methods of election.

129. The conditions for membership of the Council of the Magistrature are:

(a) Paraguayan nationality, a minimum age of 35, a university degree in law and a minimum of 10 years' experience as a practising lawyer, judge or a university professor of law;

(b) They are appointed for three years and enjoy the same immunities as Ministers of the Supreme Court of Justice. The incompatibilities of duties are those established by law.

130. The conditions for the office of Attorney-General are Paraguayan nationality, a minimum age of 35, a university degree in law, at least five years' experience as a lawyer or a judge, or university professor of law, jointly, separately or successively. The same incompatibilities and immunities apply as in the case of members of the Judiciary.

131. The duties and powers of the Council of the Magistrature are to:

(a) Draw up lists of three candidates for the Supreme Court of Justice, on the basis of suitability and merit, and forward the lists to the Chamber of Senators to appoint such persons, with the approval of the Executive;

(b) Draw up for the Supreme Court of Justice, with the same selection criteria, lists of three candidates for posts in the lower courts and for the office of judge or procurator;

(c) Draw up its own rules of procedure; and

(d) Any other duties and powers established in the Constitution and the law.

132. There is a Court of Audit and its membership and jurisdiction are determined by law. The structure and duties of other judicial and auxiliary bodies, as well as the judicial college, are determined by law.

4. Department of Public Prosecutions

133. The Department of Public Prosecutions represents society in the courts and enjoys functional and administrative independence in discharging its duties and exercising its powers. It is operated by the State Attorney-General and the procurators as prescribed by law.

134. The duties and powers of the Department of Public Prosecutions are to:

(a) Ensure respect for constitutional rights and safeguards;

(b) Exercise the public right of action to defend the public and social heritage, the environment and other broad-ranging interests, as well as the rights of the indigenous peoples;

(c) Initiate criminal proceedings in cases where an application by the interested party is not required in order to bring or continue such proceedings, without prejudice to cases in which the judge or court proceeds automatically, as determined by law;

(d) Gather information from public officials for the proper discharge of its duties; and

(e) Any other duties and powers established by law.

135. The Attorney-General is irremovable. He holds office for five years and may be re-elected. He is appointed by the Executive, with the approval of the Senate, from a list of three candidates proposed by the Council of the Magistrature.

136. Procurators are appointed in the same way as is established in the Constitution for judges. They hold office and may be removed by the same procedures. They also have the same incompatibilities of duties and enjoy the same immunities as do members of the Judiciary.

5. Electoral courts system

137. Convening, organizing, supervising and monitoring acts and matters relating to general, department or municipal elections, and to the rights and qualifications of persons who are elected, fall exclusively within the jurisdiction of the electoral courts. Issues relating to any kind of referendum, and to elections and the functioning of political parties and movements, also fall within their jurisdiction.

138. The electoral courts system consists of the Higher Electoral Tribunal, the ordinary courts, the procurators' offices and any other bodies established by law, which specify their organization and functions.

139. The Higher Electoral Tribunal consists of three members, elected and removed by the procedure established for the members of the Supreme Court of Justice. The law establishes the cases in which appeals lie with the Supreme Court, which shall rule on the matter by the summary procedure.

III. GENERAL LEGAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED

A. Judicial, administrative or other authorities competent in matters relating to human rights

140. Paraguay has adopted the republican representative system of government. The new Constitution sets out all the basic human rights and provides for a number of mechanisms to protect and safeguard them.

141. To begin with, as in any system based on the rule of law, responsibility for safeguarding human rights and terminating any violation of those rights lies with the Judiciary.

142. Secondly, in addition to approving laws and establishing a suitable legal framework for the protection of human rights, the Legislature has set up internal mechanisms to guarantee such protection. For example, each Chamber has a Human Rights Commission, made up of parliamentarians of different political views and, in many cases, headed by members of the opposition.

143. With regard to the Executive, apart from its functions in guaranteeing the security of individuals, specific institutional arrangements have already been made to promote and defend human rights. One example is the Directorate-General for Human Rights; its main activities are set out in part IV of this document.

144. Since Paraguay is a democratic country, the contribution by non-governmental organizations to protecting human rights is decisive and is supported by the Government.

145. The main non-governmental organizations engaged in human rights activities include: Right to Life Assembly (ADAVI); Association of Education and Comprehensive Training Centres (ACEFI); Association of Juvenile Street Workers (CALLEESCUELA); Alto Parana Association of Relatives and Friends of Disabled Persons (APAMAR); Alternative Mental Health Centres (ATYHA); First Aid (APS); Betel Catholic Welfare Centre (CCAB); Juveniles Protection Centre (CEDEM); Humanitarian Studies Centre (CEDHU); Concepción Centre for the Physically Disabled (CIFICON); Paraguayan Centre for the Deaf and Dumb (CSMP); Interdisciplinary Social Law and Political Economy Centre (CIDSCP); Commission for Assistance to Persons with a harelip; Commission of Relatives of Paraguayan Detainees Missing in Argentina (CFPDDA); Commission for Solidarity with the Indigenous Peoples (CSPI); Commission for the Protection of Human Rights in Paraguay (CODEHUP); Committee of Churches for Emergency Aid (CIPAE); Coordination of Groups of the Community of Villa la Redención; Paraguayan Red Cross (CRP); Let's Decide - Citizens' Views Campaign; Defence for Children International Movement - Paraguayan Section (DNI); Escuela de Montes; TEKOJOJA Foundation; Justice for All Foundation; People's Self-Help Group; Paraguayan Criminal Science Institutes (ICPP); John Paul II National Studies Institutes; Paraguayan Institute for Geopolitical and International Studies; Friendship Mission - Social Advancement; Movement to Assist Abnormal Children (MANE); Women for Democracy; Caaguazu Multisectoral Organization; Memongetará HABLAR; Promotion and Protection of Human Rights; Non-Governmental Organizations'

Rural Network (REDRURAL); Communication and Education Workshop (TAPE); Community Development Unit (UDC); Paraguayan Women's Union (UMPA); TAREA - Human Rights Education Task Force.

B. Remedies available to an individual who claims that his rights have been violated, and systems of compensation and rehabilitation

1. Remedies under the existing Constitution

146. Chapter XII, entitled "Constitutional Guarantees", also provides for habeas corpus. Article 132 stipulates:

> "Application for this guarantee may be made by the person concerned, himself or by a third party, in due form, without need of power of attorney and to any court of first instance in the relevant judicial area.
>
> Habeas corpus shall be:
>
> 1. Preventive: so that anyone in imminent danger of being illegally deprived of his physical liberty may apply for consideration of the lawfulness of the circumstances which, in the opinion of the person concerned, constitute threats to his liberty, together with an order for termination of such restraints;
>
> 2. Reparative: so that anyone who has been illegally deprived of his liberty may apply for the circumstances to be rectified. The judge shall order the detainee to appear in court, and also order a report from the public official or private agent who has detained him, within 24 hours following the application. In the event of failure to comply, the judge shall proceed to the place at which the person is being held and, at that place, shall determine the merits and order immediate release, in the same way as if the detainee had been brought before him in court and the report had been submitted. If there are no legal grounds for deprivation of liberty, the person shall be released immediately; in the event of a written order by the judicial authorities, the information shall be sent to the person ordering the detention;
>
> 3. General: so that anyone may request rectification of circumstances which are not covered by the two cases mentioned above and place restraints on the liberty or threaten the security of an individual. Similarly, application for this guarantee may be made in cases of physical, mental or moral violence that aggravate the circumstances of persons lawfully deprived of their liberty. The law shall regulate the various terms and conditions for habeas corpus, which shall apply even during a state of emergency. The procedure shall be summary and free of charge, and may be initiated automatically."

147. In addition to broadening the scope of habeas corpus, the present Constitution allows for the applicant's request to be examined by any court of first instance. Under the previous Constitution, it had to be considered by the Supreme Court of Justice.

148. Article 133 of the present Constitution also guarantees the right of amparo (protection):

"Any person who, as a result of a manifestly unlawful act or omission by an authority or private individual, considers that he has been seriously harmed or is in immediate danger of being so harmed in regard to rights and guarantees set out in this Constitution or by law, and who, owing to the urgency of the case, cannot remedy the matter through the usual channels, may submit an application for amparo to the competent judge. The procedure shall be summary and free of charge and constitutes a public right of action in the cases provided for by law.

The judge shall be entitled to safeguard the right or guarantee or immediately rectify the situation in law. In matters pertaining to elections or political organizations, electoral courts shall have jurisdiction. An application for amparo may not be made in the course of judicial proceedings or in connection with acts by judicial bodies or during the elaboration, approval and enactment of laws. The law shall regulate the relevant procedure. Appeals may be made against sentences in connection with amparo."

149. Article 134 of the Constitution guarantees habeas data:

"Any person may obtain information and data about himself or his property contained in official records or private records of a public character, and also learn what use is made of the information and data and their purpose.

He may apply to the relevant court to update, correct or destroy them if they are erroneous or will unlawfully affect his rights."

2. Remedies under the law on criminal procedure

150. Article 99 of the Code of Criminal Procedure states:

"Anyone having legal capacity who witnesses the perpetration of an offence giving rise to the right for criminal proceedings to be taken, or who in any way learns of the perpetration of such an act, may report it to:

(i) The competent court for examination proceedings;

(ii) Officials of the Department of Public Prosecutions;

(iii) District heads or police commissioners".

151. Article 115 of the Code of Criminal Procedure stipulates:

"Judges receiving a complaint in conformity with all the requirements established in this chapter shall be obliged to initiate the necessary procedure in order to verify the facts and the offenders, pursuant to the provisions of this Code.

If the complaint is made to officials of the Department of Public Prosecutions, they shall immediately inform the examining magistrate so that he may initiate an inquiry.

If it is made to district heads or police commissioners, they shall proceed as stipulated in the foregoing paragraph."

3. Remedies under the Code for Juveniles

152. Under Act No. 903 of 1981, the Code for Juveniles, complaints may be laid with the juvenile court of first instance for investigation of acts or omissions punishable under the Act if they were committed by children under 14 years of age, or if they relate to ill-treatment, punishment or improper treatment of persons under 20 years of age or, in general, juveniles who are in a dangerous situation.

4. Systems of compensation

153. Article 34 of the Constitution relates to the right to fair and proper compensation:

"Everyone is entitled to fair and proper compensation for harm or injury caused by the State. This right shall be regulated by law."

C. Protection of the rights provided for in the various human rights instruments

154. As already mentioned, the articles of the current Constitution provide for comprehensive protection of human rights. This means that Paraguay provides dual protection for human rights at the constitutional and domestic legal level and at the international level, since it has ratified most of the international human rights instruments and is subject to the supervision of the various monitoring bodies.

155. The Constitution protects, inter alia, the following rights: the right to life and to quality of life (arts. 4 and 6); the right to freedom and security of person (art. 9); the right to defence at a trial and procedural rights (arts. 16 and 17); freedom of religion and ideology (art. 23); freedom of expression and the press (art. 25); freedom of association (art. 41); family rights (arts. 48 to 60); the rights of indigenous peoples (arts. 61 to 66); the right to health (arts. 67 to 71); the right to education and culture (arts. 72 to 84). Paraguay's Constitution is, in fact, the most modern in Latin America.

156. One of the institutions established to protect human rights is the Defensoría del Pueblo (Ombudsman), provided for in chapter IV of the new Constitution. Article 275 of the Constitution reads:

> "The Ombudsman is a parliamentary commissioner whose functions are to defend human rights, to channel claims by citizens and to protect community interests.
>
> In no circumstances shall he exercise a judicial function or executive competence."

157. Article 276 guarantees his independence and irremovability from office. He is appointed by the National Congress.

158. Article 278 states:

> "The duties and powers of the Ombudsman are to:
>
> (1) Receive and investigate charges, complaints and claims concerning human rights violations and such other acts as may be determined by this Constitution and the law;
>
> (2) Request from the authorities, including the police and security forces at their various levels, information for the more effective performance of his duties, the said authorities having no right of objection. He may have access to the places where the above-mentioned acts are reported to have been perpetrated. He may also act on his own initiative;
>
> (3) Publicly censure acts or conduct contrary to human rights;
>
> (4) Report annually to the two Chambers of Congress on his activities;
>
> (5) Draw up and issue reports on those aspects of human rights which, in his view, require prompt public attention, together with any other duties and powers established by law."

The establishment of this institution, which is a new feature of Paraguay's legislation, represents a further effort to ensure the effectiveness of the Universal Declaration of Human Rights, and its constitutional status places its significance beyond doubt.

159. As regards the state of siege in Paraguay, it will be recalled that it was permanently in force under the regime of General Stroessner. It led to countless human rights violations and severely weakened Paraguay's institutions. Since the constitutional authorities assumed power over three years ago, the state of siege has never been declared, and in implementing the constitutional reform, the painful lesson of the past was borne in mind. As a result, the concept of the state of siege has been completely revised and is now regulated as a measure subject to the rule of law and compatible with our system of government and with due respect for human rights.

160. Article 287 of the new Constitution regulates the declaration, scope and duration of, and grounds for, states of emergency, and stipulates that in the event of armed international conflict, whether formally declared or not, or serious internal disturbances that immediately threaten the authority of the Constitution or the normal operation of the bodies established by it, Congress or the Executive may declare a state of emergency in all or part of the national territory for a maximum period of 60 days. Another paragraph of the same article stipulates that, while the state of emergency is in force, the Executive alone may institute the following measures, each of which requires a separate decree: the detention of persons suspected of involvement in any of the acts in question, their transfer to any point in the Republic, the prohibition or restriction of public meetings and demonstrations. The suspects must in all cases be given the option of leaving the country. Persons detained under the state of emergency must be kept in salubrious and clean premises not intended for ordinary criminals, or under house arrest. If they are transferred to other parts of the country, they must always be sent to salubrious populated places. The state of emergency must not entail suspension of the powers of the State, the applicability of this Constitution or, in particular, habeas corpus.

161. Article 141, in chapter II of the Constitution concerning international relations, stipulates: "International human rights treaties may be denounced only by the procedures which apply for amendment of this Constitution." This article unquestionably reinforces the intent to secure the full effectiveness of fundamental human rights. It should be noted that since 1989, when Paraguay took its first steps towards a full return to democracy, it has ratified numerous human rights treaties, which, pursuant to a specific provision, it may denounce only after a period of three years, and on the initiative of one quarter of one of the Chambers of Congress, of 30,000 voters or of the President of the Republic. Any such denunciation must be approved by an absolute majority of the initiating Chamber.

D. Manner in which human rights instruments become part of domestic law

1. The rank of treaties under the new Constitution

162. Article 136 of the current Constitution stipulates:

> "The supreme law of the Republic is the Constitution. The Constitution, international treaties, conventions and agreements approved and ratified, the laws enacted by Congress and other duly approved legal provisions of lower rank constitute domestic positive law in the order of precedence enunciated.
>
> Any attempt to change this order without observing the procedures laid down in this Constitution shall constitute offences which shall be classified and punished by law.
>
> Any government measures or acts at variance with the provisions of this Constitution shall be null and void."

163. Article 140 of the Constitution further stipulates:

"International treaties that have been duly entered into and approved by Act of Congress and whose instruments of ratification have been exchanged or deposited shall form part of domestic law, with the rank specified in article 136."

164. Article 142, which concerns international relations, stipulates:

"In its international relations, the Republic of Paraguay shall accept international law and conform to the following principles:

1. The independence of the Judiciary;

2. Self-determination of peoples;

3. Legal equality among States;

4. International solidarity and cooperation;

5. International protection of human rights;

6. Free navigation on international rivers;

7. Non-intervention;

8. Condemnation of any form of dictatorship, colonialism or imperialism."

165. Article 143 stipulates:

"The Republic of Paraguay renounces war, but upholds the principle of self-defence. This declaration is compatible with the rights and obligations of Paraguay as a Member of the United Nations and the Organization of American States, and as a party to integration treaties."

166. The Constitution recognizes the existence of a supranational legal order, article 144 stipulating:

"The Republic of Paraguay, on an equal footing with other States, recognizes a supranational legal order which guarantees human rights, peace, justice, cooperation, and political, economic, social and cultural development.

Decisions on this question may be adopted only by an absolute majority of each Chamber of Congress."

167. Congress is required to approve or reject an international treaty or agreement once it has been signed. Accordingly, article 201, paragraph 9, of the Constitution, concerning the duties and powers of Congress, refers to the approval or rejection of "treaties and other international agreements signed by the Executive."

168. Article 237 of the Constitution lays down the duties and powers of the President of the Republic, which, as stated in paragraph 7 include:

> "Direct the conduct of the Republic's external relations; in the event of external aggression, and subject to Congressional authorization, declare a national state of defence or conclude peace; negotiate and sign international treaties; receive the heads of diplomatic missions and consuls of foreign countries; appoint ambassadors, with the approval of the Senate."

E. Implementation of the provisions of the human rights instruments

169. Naturally, for a treaty to come into force in Paraguay it must have been ratified in accordance with the procedures laid down by the Constitution. However, in addition to giving treaties precedence over national law, the Constitution stipulates that they must be ratified by an Act of Congress. In this manner the treaty also becomes domestic law and may be invoked before the courts by any person who considers that any of his rights as established in the treaty have been affected.

170. Although case law provides few relevant examples, the Government emphasizes that there is no impediment to the enforcement by judges of international human rights law, provided it constitutes part of Paraguay's legal arsenal.

F. National institution or body responsible for monitoring the implementation of human rights

171. The entire Judiciary, from the justices of the peace to the Supreme Court and the Department of Public Prosecutions, are concerned with human rights, within their specific powers under positive law. In particular, the Department of Public Prosecutions has focused its attention on ensuring compliance with constitutional guarantees, and in this connection is promoting the various procedures under way before the various courts concerning complaints involving human rights. To this end, the Office of the State Attorney-General has decided to incorporate into its structure a prosecution department with special responsibility for human rights.

IV. INFORMATION AND PUBLICITY

172. The present Government of the Republic of Paraguay is determined to ensure the full effectiveness of, and respect for, human rights. An auspicious development in this regard was the establishment, in 1990, within the Ministry of Justice and Labour, of the Directorate-General for Human Rights, with broad objections encompassing the promotion, dissemination and protection of human rights.

A. Activities undertaken by the Directorate-General for Human Rights

173. In April 1990, a technical cooperation agreement on human rights training was concluded in Asunción between the present Government, the United Nations Centre for Human Rights and the United Nations Development Programme (UNDP). The high point of the commemoration of the fortieth anniversary of

multilateral technical cooperation was the "First seminar on the implementation of the international human rights instruments and the administration of justice", intended for public servants, judges and law-enforcement personnel. The seminar concluded with addresses by former President Sarney of Brazil and former President Alfonsín of Argentina and by the current President of Paraguay, Mr. Andrés Rodriguez. A joint publication by the Government of Paraguay and the United Nations reported all the statements made by the international experts over the three days of the seminar, which lasted from 18 to 20 July.

174. Another major event, albeit limited, to government officials and persons connected with the Directorate-General for Human Rights, was held in Asunción from 21 October to 2 November 1990. This was what amounted to an intensive training course on human rights and was attended by some 30 participants.

175. The "Seminar on the influence and current prospects of international humanitarian law in Paraguay", organized jointly by the Directorate-General for Human Rights of the Ministry of Justice and Labour and the Regional Delegation of the International Committee of the Red Cross for Paraguay, Argentina, Bolivia, Chile and Uruguay, was held on 31 October and 1 November 1991. It was attended by members of the armed forces and of other sectors at whom the human rights campaign is aimed.

176. As part of the implementation of the 1991/1992 programme within the cooperation project between the Directorate-General for Human Rights and UNDP, mention may be made of the "Seminar to commemorate the fortieth anniversary of the Geneva Convention relating to the Status of Refugees", organized by the Directorate-General in conjunction with the Churches Committee for Emergency Assistance (CIPAE), which represents the Office of the United Nations High Commissioner for Refugees (UNHCR) in Paraguay, and held on 18 and 19 July 1991 at UNDP headquarters. The seminar focused on, inter alia, the problems of the repatriation of Paraguayan citizens and its social and political consequences.

177. An "Interdisciplinary human rights course" was held from 30 September to 4 October 1991 at the headquarters of the Directorate-General for Human Rights. The course was organized by the Directorate-General and given by the United Nations consultant Mr. Leandro Despouy. Issues relating to the United Nations system and the Organization of American States were addressed. The course was attended by representatives of the Department of the Public Prosecutions, the police, the Ministry of Education and Worship, the Ministry of Foreign Affairs, and the Ministry of Justice and Labour.

178. As part of the activities of cooperation programmes in the sphere of human rights implementation and development, the Directorate-General for Human Rights and UNDP jointly organized an international symposium entitled "Comparative bases for a constitutional reform", held from 5 to 8 November 1991. The symposium was attended by approximately 15 distinguished experts and constitutionalists from various parts of the world and provided an opportunity for careful consideration of Paraguay's needs. The symposium was both timely and very important as Paraguay was developing its future Constitution.

179. An "International seminar on the administration of justice and criminal investigation", organized jointly by the Directorate-General for Human Rights, UNDP, and the Office of the State Attorney-General, was held from 17 to 20 June 1992. Its purpose was to define measures to ensure the effective administration of justice and to guarantee due respect for human rights.

180. In addition, a "Seminar on refugee law, international humanitarian law and human rights" was held on 23 and 24 September in the auditorium of the Paraguayan Red Cross. It was organized by the Directorate-General for Human Rights and the Churches Committee for Emergency Assistance (CIPAE), which represents UNHCR in Paraguay.

181. Another significant development was the preparation, by the Directorate-General for Human Rights, of a comparative analysis of the International Covenant on Civil and Political Rights and the American Convention on Human Rights or Pact of San José, Costa Rica, together with a summary of the contents of the International Covenant on Economic, Social and Cultural Rights. The analysis was made in connection with a request to the Office of the President that both International Covenants be submitted to Parliament for approval.

182. As part of the promotion and dissemination of the International Covention on the Rights of the Child, brochures containing cartoons illustrating all the articles of the Convention and posters publicizing it, have been designed and printed in conjunction with the Centre for the Protection of Minors (CEDEM) and under the auspices of UNICEF.

183. On 30 October 1992, the first "Children's elections" were organized jointly by the Department of Charity and Social Welfare (DIBEN), the Ministry of Education and Worship, the Human Development Programme, UNDP and UNICEF. Their purpose was to encourage and inculcate respect for the rights of children. The project's strategy is based on a campaign to inform children of their rights, to organize direct personal voting by children, to develop awareness among citizens that because of their vulnerability children should be privileged members of society, and to treat the electoral process as a civic act that helps to shape values, principles and ideals. Fourth, fifth and sixth-grade children throughout Paraguay voted, with the aim of putting forward to decision-making bodies specific proposals for the benefit of children to which the Paraguayan authorities should commit themselves.

184. As regards formal education, an inter-agency commission has been set up comprising officials of the Ministry of Education and Worship, the Directorate-General for Human Rights and non-governmental organizations active in the field of education. A teacher-training plan has been prepared, with two fundamental objectives:

(a) To draw the attention of supervisors, headmasters and teachers to the need to initiate a human rights education campaign in schools;

(b) To stimulate, among supervisors and administrative staff, interest and the desire to incorporate human rights into the school curriculum.

185. In order to implement this plan, the following activities have been carried out:

(a) A one-day human rights training course for primary school supervisors, attended by 77 supervisors and 4 area directors;

(b) A one-day training course for secondary-school teachers, attended by 50 teachers of various subjects.

It is hoped that this plan will lead to the preparation of programmes and events connected with educational reform and the inclusion of human rights in the school curriculum.

186. Also in the education sphere, from 10 to 12 August 1992 an international event entitled "First human rights education seminar" was held from 10 to 12 August 1992 in conjunction with the Inter-American Human Rights Institute. The Seminar's theme was educational policy for human rights in formal education, curriculum reform and the analysis of texts, their contents and informal education systems.

B. Future activities

187. In 1993, the Directorate-General for Human Rights intends to organize the following activities:

(a) Training in human rights culture - indigenous affairs;

(b) Awareness campaign with a view to the preparation of an environmental protection bill;

(c) Seminar on the rehabilitation of young offenders;

(d) Seminar-workshop: Women, human rights and MercoSur;

(e) Seminar-orientation workshop for persons working with the disabled;

(f) In the educational sphere: production of teaching material and other special educational aids.